

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

WESTERN RADIO SERVICES
COMPANY, INC.,

Case No. 6:14-cv-00747-AA

Plaintiff,

JUDGMENT

~~Proposed~~

v.

JOHN ALLEN, *et al.*,

Defendants.

The Court DECLARES as follows:

1. Based on the Opinion and Order entered on 4/17/2015 (Dkt. 115), Plaintiff's first and second claims against the Individual Defendants are dismissed with prejudice.
2. Based on the Opinion and Order entered on 11/24/15 (Dkt. 150), Plaintiff's third and fourth claims for relief are dismissed with prejudice;
3. Based on the Opinion and Order entered on 11/24/15 (Dkt. 150), Plaintiff has no valid leases or permits and no authorization to maintain any communication property pursuant to the agency actions and decisions challenged in Plaintiff's third and fourth claims.
4. Based on the Opinion and Order entered on 11/24/15 (Dkt. 150), as to Defendant United States' first, second and third counterclaims, Plaintiff Western Radio is

liable for intentional trespass and shall remove all trespassing property (facilities) as required by the permanent injunction below.

5. Based on the Opinion and Order entered on 11/24/15 (Dkt. 150), as to Defendant United States' fourth counterclaim for unjust enrichment, Judgment is entered for the United States in the amount of \$29,279.58. Post judgment interest shall accrue at the legal rate pursuant to 28 U.S.C. § 1961(a) and shall be computed daily and compounded annually until paid in full.

6. The United States is the owner of any facilities that are not removed by Western Radio, as required by the permanent injunction below.

7. The United States is awarded all reasonable costs of removal and site restoration that may be incurred to satisfy the terms of this Judgment.

The Court ENJOINS AND RESTRAINS Western Radio as follows:

1. Western Radio shall remove all facilities at Sugar Pine Butte, Round Mountain and Gray Butte. Western Radio shall remove all facilities at a site within 14 days of written notice from the Forest Service. May 15, 2016 is the earliest date that the Forest Service shall provide the written notice and Western Radio shall not remove any facilities without written notice. Any facility remaining at a site after a 14 day notice shall be the property of the United States. For all sites and facilities, Western Radio shall remove all facilities by August 1, 2016. Written notice is effective by e-mail when sent to Western Radio at Oberdorfer@earthlink.net.

2. Western Radio shall cease its operations at Gray Butte and remove Sureline's equipment from the site within four days of entry of this Judgment. If Western Radio does not cease operations or remove Sureline's equipment, the United States may take any action necessary to satisfy this permanent injunction.

This is the Court's Judgment in this matter. The Court retains jurisdiction as necessary to enforce or modify the terms of this Judgment.

DATED this 18th day of December, 2015.



Honorable Ann Aiken
United States Chief District Judge

SUBMITTED BY:

BILLY J. WILLIAMS
United States Attorney

/s/ Neil J. Evans
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